

HAROLD TURNER
ANTHONY DiPIPPO vs COUNTY OF PUTNAM

January 15, 2020

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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ANTHONY DiPIPPO,

Plaintiff,

Case No.
17-cv-7948 (NSR)

-against-

COUNTY OF PUTNAM; Putnam County
Sheriff's Department Sheriff ROBERT
THOUBBORON in his individual capacity;
Putnam County Sheriff's Department's
Investigators DAN STEPHENS, PATRICK
CASTALDO, BILL QUICK, and Putnam
County Sheriff's Department Officer
VICTOR NESTOR, in their individual
capacities,

Defendants.

-----X
January 15, 2020
10:02 a.m.

Deposition of Non-Party Witness,

HAROLD TURNER, taken by Plaintiff, pursuant to
Notice, held at the offices of Neufeld
Scheck & Brustin, 99 Hudson Street, Eighth
Floor, New York, New York 10013, before
CHARISSE ROMEO, a Registered Professional
Reporter and Notary Public within and for the
State of New York.

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2 this homicide case about the fact that
3 inconsistency might suggest that that
4 witness wasn't telling the truth?

5 A. No.

6 Q. Okay. You've described the
7 entire communication?

8 A. Basically.

9 Q. How did it resolve?

10 A. How did it resolve? I got mad and
11 went out, went back to my office.

12 Q. What were you mad about?

13 A. The fact that he's saying -- he's
14 trying to say that I think the mark was made
15 by the dog because the girl said it. No, I
16 could see it was a sizing mark, but I was
17 saying how the girl identified her ring and it
18 didn't change anything in her identification
19 of the ring. Whatever made the mark, it was
20 there. Whatever she thought was it she
21 thought.

22 Q. And, to the best of your
23 recollection, you don't recall there
24 ever being any documentation on that;
25 fair to say?

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1 H. Turner

2 Q. You just told us --

3 A. Yeah.

4 Q. -- that you learned she
5 identified the ring before she talked
6 about the bite mark?

7 A. I said somebody did. I didn't say
8 she did. Read it back.

9 Q. Oh, you are not saying she
10 did?

11 A. No. Read it back. I said
12 somebody identified that ring --

13 Q. Fair enough.

14 A. -- as Josette's, so then they
15 followed up on it, and this is what they got.

16 Q. So no question that this
17 witness was saying she was only able to
18 identify it through the bite mark?

19 A. She didn't say only.

20 Q. The only rationale given
21 here?

22 A. That is the only rationale given,
23 yes.

24 Q. You don't believe you talk
25 to Castaldo and Quick about it?

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2 A. About?

3 Q. About the inconsistency
4 between the bite mark and the ring
5 measurement?

6 MR. RANDAZZO: Objection.

7 A. No.

8 Q. But you did speak to the
9 actual DA of Putnam County about it?

10 A. Yes, I did.

11 Q. You've already told us you
12 weren't reading reports in the case?

13 A. Right.

14 Q. So you must have learned
15 about the bite mark from talking to
16 Castaldo and Quick, correct?

17 A. Or Stephens.

18 Q. Or Stephens?

19 A. Or John Rees, the ID man. I don't
20 know who I talked to.

21 Q. Well, John Rees, the ID man,
22 wouldn't know about this witness'
23 statement?

24 MR. RANDAZZO: Objection.

25 A. Why not?

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2 Q. Why would he?

3 A. He handled the evidence.

4 Q. Why would he know about the
5 witness statement?

6 A. Because I could have been talking
7 to the two of them about the evidence. We
8 were a small department; we didn't keep
9 secrets.

10 Q. Fair enough.

11 The way you learned about
12 the bite mark information was either
13 through talking to Stephens, Castaldo,
14 Quick, or even possibly Rees?

15 A. Yes.

16 Q. And you have no memory of
17 having that conversation?

18 A. No. Just I remember the
19 conversation over the dog bite mark, but I
20 don't remember who with.

21 Q. And then you went and --
22 were you meeting with the DA about this
23 issue --

24 A. No, no.

25 Q. -- or did it just come up?

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2 A. It just came up.

3 Q. What else were you talking
4 about?

5 A. I have no idea. I was with the
6 sheriff, him and Wright, the DA, had a
7 meeting.

8 Q. So you, the sheriff, the DA,
9 and potentially others are meeting?

10 A. Well, it was in the hall, it
11 wasn't in a meeting room, yeah.

12 Q. And you were talking for
13 some period of time in the hall?

14 A. I didn't say that.

15 Q. I'm asking you.

16 A. It was not some period of time.

17 Q. How long was it?

18 A. I don't know. When this came up,
19 I went back to my office. I thought it was
20 ridiculous.

21 Q. What did you think was
22 ridiculous?

23 A. The fact that the girl identified
24 the bite mark and he's arguing with me that it
25 wasn't a bite mark, it was a sizing so she

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2 couldn't identify it. I'm not putting words
3 in the witness' mouth.

4 Q. So what was happening was
5 the DA was telling you this witness
6 wasn't credible --

7 A. No, he was telling me --

8 MR. RANDAZZO: You have to
9 let him finish the question.

10 Q. Sir, you have to let me
11 finish the question. It is important.

12 A. It is, okay.

13 Q. The DA was telling you that
14 she wasn't -- in substance what he was
15 suggesting to you is that this witness
16 wasn't reliable because there was no
17 bite mark and that's why she said she
18 identified it, correct?

19 MR. RANDAZZO: Objection.

20 A. No. That's why I don't want you
21 to finish, because you are putting all BS into
22 it.

23 Q. You still need to wait for
24 me to finish.

25 A. But you are still putting BS.

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2 Q. Still, let me finish.

3 A. He was just breaking chops because
4 we did that.

5 Q. Did what?

6 A. Broke chops back and forth.

7 Q. He was breaking your chops
8 because you did what?

9 A. Because I was calling it a bite
10 mark and it wasn't a bite mark, I shouldn't
11 be calling it a bite mark.

12 Q. That was the only thing --

13 A. Only thing.

14 Q. -- that you were upset
15 about?

16 A. Only thing that came up, yes.

17 Q. What did he say to you, to
18 the best of your recollection?

19 A. Harold, that was no bite mark,
20 that was sizing the ring, anybody could see
21 that. Sure, I wasn't -- I could see it, but I
22 wasn't going to say it.

23 Q. But he was suggesting to
24 you, sir -- as a man of common sense if
25 he's saying to you that she didn't

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1 H. Turner
2 identify it through the bite mark, what
3 he had to be suggesting is she isn't
4 reliable if she's relying on the bite
5 mark?

6 MR. RANDAZZO: Objection.

7 A. He wasn't talking about the
8 witness. He was talking to me.

9 Q. What was he suggesting you
10 do differently?

11 MR. RANDAZZO: Objection.

12 A. He's saying I shouldn't refer to
13 it as a bite mark, I should refer to it as
14 sizing when I talk about it.

15 Q. When you put it in reports?

16 A. I didn't put it in reports.

17 Q. When you talk about it with
18 who?

19 A. Him.

20 Q. Was he afraid you were going
21 to talk about sizing and bite marks
22 down the road?

23 A. Ask him. He was telling me
24 Harold, obviously it is not a bite mark, it is
25 a sizing, okay.

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2 Q. What he was suggesting to
3 you is going forward with this witness,
4 if this witness was going to be used in
5 the case it should be referred to her
6 as recognizing a sizing mark as opposed
7 to a bite mark?

8 A. Do you know Kevin Wright, do you
9 know him?

10 MR. RANDAZZO: You have to
11 answer the question.

12 THE WITNESS: Well, how does
13 he know what he was telling me,
14 what was in his mind?

15 Q. What did you think was in
16 his mind?

17 A. That if they talk to me about it,
18 call it a sizing.

19 Q. Was one of the reasons you
20 were upset -- and, remember, this is
21 because you were thinking that he was
22 suggesting you should say that to other
23 people, too --

24 A. So.

25 Q. -- is that what you

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2 understood?

3 A. No, he wanted me to refer to it
4 from then on as a sizing. And anybody I
5 talked to, whether it be Thoubboron, Quick,
6 Castaldo, Rees, anybody, I refer to it as a
7 bite mark because that's what the witness
8 referred to that mark as.

9 Q. All right. Let's switch --
10 slightly switch topics a little bit.

11 Now, you understood that
12 given that there was no -- given that
13 what she referred to as a bite mark you
14 believed was in fact a sizing mark --

15 A. That's true.

16 Q. -- you would expect that any
17 competent defense lawyer if they
18 noticed the same thing would
19 cross-examine her on that, right?

20 MR. RANDAZZO: Objection.

21 A. I don't know what it has to do
22 with it. She --

23 Q. Just answer my question.

24 A. I can't answer that question.

25 Q. Of course you can.